

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS MATULIS,

Plaintiff,

v.

INLAND POWER & LIGHT CO.,

Defendant.

NO. 2:20-CV-0164-TOR

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

BEFORE THE COURT is Defendant's Motion to Dismiss (ECF No. 8).

This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, the completed briefing, and is fully informed.

For the reasons discussed below, Defendant's Motion to Dismiss (ECF No. 8) is GRANTED.

BACKGROUND

This case generally concerns a property dispute. In 2015, Plaintiff Thomas Matulis was a defendant in a state lawsuit brought by his neighbor over the

1 property dispute. *See generally* ECF No. 13. Defendant here, Inland Power &
2 Light Company, was also a defendant in the state case. *Id.* The state court
3 proceedings resulted in a judgment in favor of Plaintiff’s neighbor, which was
4 upheld on appeal. ECF No. 8-1. On April 29, 2020, Plaintiff filed the instant
5 Complaint in federal court, raising claims related to the same property dispute.
6 ECF No. 1 at 3. On May 29, 2020, Defendant filed the pending Motion to Dismiss
7 for Lack of Jurisdiction. ECF No. 8.

8 **DISCUSSION**

9 “Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian*
10 *Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). Federal courts have “original
11 jurisdiction over all civil actions arising under the Constitution, laws, or treaties of
12 the United States.” 28 U.S.C. § 1331. Plaintiff’s Complaint asserts federal
13 question jurisdiction is based on an alleged violation of Plaintiff’s Fifth and Sixth
14 Amendment rights. ECF No. 1 at 3. However, Plaintiff’s factual statement of his
15 claim describes only a private dispute over property lines and a utility services
16 contract between Plaintiff, his neighbor, and Defendant. ECF No. 1 at 4-7.
17 Construing the Complaint extremely liberally, the Court could infer that Plaintiff’s
18 statement that he “was never given the chance to face [his] accuser” during the
19 state court proceedings is intended to assert a violation of his Confrontation Clause
20 rights under the Sixth Amendment. ECF No. 1 at 6. However, this right applies to

1 criminal defendants, not civil defendants. *See Crawford v. Washington*, 541 U.S.
2 36, 42 (2004). Plaintiff's Complaint fails to allege a claim under the Constitution
3 or federal law to support federal question jurisdiction. Accordingly, this Court
4 does not have jurisdiction over this case.

5 Title 28, United States Code § 1915(a)(3) provides that "[a]n appeal may not
6 be taken in forma pauperis if the trial court certifies in writing that it is not taken in
7 good faith." The good faith standard is satisfied when an individual "seeks
8 appellate review of any issue not frivolous." *Coppedge v. United States*, 369 U.S.
9 438, 445 (1962). For purposes § 1915, an appeal is frivolous if it lacks any
10 arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The
11 Court finds that any appeal of this Order would not be taken in good faith and
12 would lack any arguable basis in law or fact.

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**


- 14 1. Defendant's Motion to Dismiss (ECF No. 8) is **GRANTED**.
- 15 2. This case is **dismissed without prejudice**.
- 16 3. Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby certifies that any
17 appeal of this Order would not be taken in good faith and would lack any
18 arguable basis in law or fact. Plaintiff's *in forma pauperis* status is
19 hereby **REVOKED**.

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1 The District Court Executive is directed to enter this Order, enter judgment
2 accordingly, furnish copies to counsel, and **CLOSE** the file.

3 **DATED** July 9, 2020.



5 
THOMAS O. RICE
6 Chief United States District Judge